

REMARKS

Applicants respectfully request further examination and reconsideration in view of the arguments set forth fully below. Claims 1-24 were previously pending in this application. Within the Office Action, Claims 1-24 have been rejected. Accordingly, Claims 1-24 are currently pending.

Rejections Under 35 U.S.C. § 103

Within the Office Action, Claims 1, 2, 4-7, 9-14, 16-20, and 22-24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,535,586 issued to Cloutier et al. (hereinafter "Cloutier") in view of U.S. Patent No. 6,289,212 issued to Stein et al. (hereinafter "Stein"). The Applicants respectfully traverse this rejection.

Within the Office Action, on page 5, items (a) and (b), Cloutier is cited specifically for teaching "a) automatically receiving a message from a server 120 through a wireless network and viewing the alert on a wireless device 170....b) forming a communication link through the wireless network thereby linking the wireless device and the server for receiving a message, and providing the message to the user." (Emphasis added) However, the present claims, specifically claim 7, element c, teach that a wireless device receives an automatically sent updated mailbox content list, the wireless device is then used to select a message from the received mailbox content list, and the selected message is sent to the wireless device, all over a wireless network. Due to the antecedent basis of "the wireless device" in the present claims, it is clear that a single wireless device receives the mailbox content list, selects a message from the received mailbox content list, and also receives the selected message. As quoted above, it is stated within the Office Action that "a wireless device 170" of Cloutier automatically receives a message alert, and that "the wireless device" receives a message and provides the message to the user, thereby indicating that Cloutier teaches the same wireless device receiving the message alert and receiving the message. However, this conclusion is in direct conflict with the teachings of Cloutier.

Cloutier teaches that when a high-priority email arrives on an email server 110, a messaging system server 120 generates and transmits a message alert over a wireless network 180 to a wireless device 170. Each message alert includes a message code corresponding to a specific high-priority email received on the email server 110. The message code is to be subsequently used by the subscriber to access the specific email. However, Cloutier teaches that

the subscriber does not use the wireless device 170 to access the email server 110 and to retrieve the specific email. Instead, Cloutier teaches that the subscriber uses an access device 190 to communicate with the messaging system server 120 to retrieve the specific email (Cloutier, Figure 1; col. 3, lines 22-28; col. 3, line 62 to col. 4, line 3). Cloutier further teaches that the server 120 then provides the specific email corresponding to the message code to the access device 190 (Cloutier, col. 4, lines 26-32). Cloutier does not teach that the specific email is received on the wireless device, where the wireless device is the same wireless device that receives the message alert.

Within the Office Action, on page 5, item (c), Stein is cited for receiving a mailbox content list from a server over a wireless network, scrolling through the mailbox content list with a wireless device, and selecting a message with the wireless device. It is also stated on page 3, last paragraph, of the Office Action that given the teachings of Stein, it would have been obvious to modify the teachings of Cloutier to receive the selected messages over a wireless network. However, even if such a modification is possible, which the Applicants do not believe to be the case, such a proposed combination still relates to modifying the communication network between the access device 190 and the messaging system server 120 of Cloutier to a wireless network. Regardless of the nature of the communication network between the access device 190 and the server 120, the proposed combination of Cloutier and Stein requires a first device (access device 190) for receiving the message, where the first device is necessarily different than a second device (wireless device 170) for receiving the message alert. As such, the proposed combination of Cloutier in view of Stein does not teach a single wireless device that receives a message alert from a server and also receives a message specified in the message alert from the server.

The independent Claim 1 is directed to a method of utilizing a push model to provide access to a message list in one or more of a voice, a fax, an e-mail and a unified mailbox through a wireless network. The method includes automatically receiving an updated mailbox content list from a server through a wireless network, scrolling through the updated mailbox content list and selecting a message therefrom with a wireless device, forming a communication link through the wireless network thereby linking the wireless device and the server, selectively receiving the message, the message received on the wireless device from the server over the communication link, and providing the message to a user. As described above, the proposed combination of Cloutier in view of Stein does not teach a single wireless device that receives an updated mailbox content list from a server and also receives a message selected from the received mailbox content

list via the server. For at least these reasons, the independent Claim 1 is allowable over the teachings of Cloutier in view of Stein.

Claims 2 and 4-6 are all dependent upon the independent Claim 1. As discussed above, the independent Claim 1 is allowable over the teachings of Cloutier in view of Stein. Accordingly, Claims 2 and 4-6 are each also allowable as being dependent upon an allowable base claim.

The independent Claim 7 is directed to a system for providing access to a message list in one or more of a voice, a fax, an e-mail and a unified mailbox through a wireless network. The system includes a wireless device, a server, and a wireless network linking the wireless device with the server such that in operation an updated mailbox content list is automatically sent over the wireless network from the server to the wireless device and after being sent by the server a message from the updated mailbox content list received by the wireless device is selected using the wireless device thereby forming a communication link between the wireless device and the server over the wireless network, and the selected message is sent to the wireless device over the communication link. As described above, the proposed combination of Cloutier in view of Stein does not teach a single wireless device that receives an updated mailbox content list from a server and also receives a message selected from the received mailbox content list via the server. For at least these reasons, the independent Claim 7 is allowable over the teachings of Cloutier in view of Stein.

Claims 9-13 are each dependent upon the independent Claim 7. As discussed above, the independent Claim 7 is allowable over the teachings of Cloutier in view of Stein. Accordingly, Claims 9-13 are all also allowable as being dependent upon an allowable base claim.

The independent Claim 14 is directed to a method of providing access to a message list in one or more of a voice, a fax, an e-mail or a unified mailbox through a wireless network. The method includes automatically receiving through a wireless network a new message notification and an updated mailbox content list from a server, remotely scrolling through the updated mailbox content list and selecting a message therefrom using a wireless device, forming a communication link between the wireless device and the server, and receiving the message, the message received on the wireless device from the server over the communication link. As described above, the proposed combination of Cloutier in view of Stein does not teach a single wireless device that receives an updated mailbox content list from a server and also receives a message selected from the received mailbox content list via the server. For at least these reasons, the independent Claim 14 is allowable over the teachings of Cloutier in view of Stein.

Claims 16-18 are all dependent upon the independent Claim 14. As discussed above, the independent Claim 14 is allowable over the teachings of Cloutier in view of Stein. Accordingly, Claims 16-18 are all also allowable as being dependent upon an allowable base claim.

The independent Claim 19 is directed to a system for providing access to a message list in one or more of a voice, a fax or a unified mailbox through a wireless network. The system includes means for automatically receiving an updated mailbox content list from a server through a wireless network, means for scrolling through the updated mailbox content list and selecting a message therefrom with a wireless device, means for forming a communication link through the wireless network thereby linking the wireless device and the server, means for selectively receiving the message, the message received on the wireless device from the server over the communication link, and means for providing the message to a user. As described above, the proposed combination of Cloutier in view of Stein does not teach a single wireless device that receives an updated mailbox content list from a server and also receives a message selected from the received mailbox content list via the server. For at least these reasons, the independent Claim 19 is allowable over the teachings of Cloutier in view of Stein.

Claims 20 and 22-24 are all dependent upon the independent Claim 19. As discussed above, the independent Claim 19 is allowable over the teachings of Cloutier in view of Stein. Accordingly, Claims 20 and 22-24 are all also allowable as being dependent upon an allowable base claim.

Within the Office Action, Claims 3, 8, 15, and 21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Cloutier in view of Stein and further in view of Applicants Admitted Prior Art. The Applicants respectfully traverse this rejection.

Applicants agree that low data-bandwidth and high data latency networks are known in the art. However, the Applicants do not agree that the methods of Claims 1 and 14, and the systems of Claims 7 and 19, including a low data bandwidth, high data latency wireless network, as claimed in dependent Claims 3, 8, 15, and 21, are well known in the art.

Further, Claim 3 is dependent on the independent Claim 1. Claim 8 is dependent on the independent Claim 7. Claim 15 is dependent on the independent Claim 14. Claim 21 is dependent on the independent Claim 19. As discussed above, the independent Claims 1, 7, 14, and 19 are each allowable over Cloutier in view of Stein. As such, the dependent Claims 3, 8, 15, and 21 are each also allowable as being dependent on an allowable base claim.

PATENT
Attorney Docket No.: AVALUC-01800

For the reasons given above, Applicants respectfully submit that all of the pending claims are now in condition for allowance, and allowance at an early date would be greatly appreciated. If the Examiner should have any questions or comments, he is encouraged to call the undersigned at (408) 530-9700 so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,
HAVERSTOCK & OWENS LLP

Dated: 3-25-05

By: 

Thomas B. Haverstock
Reg. No. 32,571
Attorneys for Applicants

CERTIFICATE OF MAILING (37 CFR § 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

HAVERSTOCK & OWENS LLP
Date: 3-25-05 By: 